**UNITED STATES DISTRICT COURT**
**SOUTHERN DISTRICT OF NEW YORK**

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| IN RE "A MILLION LITTLE PIECES" LITIGATION | No. 06-md-1771<br>Hon. Richard J. Holwell |

**AFFIDAVIT OF MICHAEL DAVID MYERS IN SUPPORT OF JOINT PETITION FOR ATTORNEYS' FEES AND REIMBURSEMENT OF COSTS FILED BY MYERS & COMPANY P.L.L.C.**

STATE OF WASHINGTON )
) ss.:
COUNTY OF KING )

Michael David Myers, being first duly sworn, deposes and says:

1. I am a member of the firm of Myers & Company, P.L.L.C. I am submitting this affidavit in support of my firm's application for an award of attorneys' fees in connection with services rendered in the above-entitled action ("The Action") and the reimbursement of expenses incurred by my firm in the course of this litigation.

2. My firm acted as one of plaintiff's counsel in this class action. The tasks undertaken by my firm can be summarized as follows: performed legal and factual research; drafted summons, complaint and subsequent related pleadings; sat for interviews with local and national press outlets to publicize the class action to putative class members; coordinated with co-counsel; formulated theories for calculating damages and computed damages; strategized regarding both litigation and settlement negotiations; performed legal research; coordinated with named lead plaintiffs; coordinated with putative class members; effectuated service of process; and communicated with opposing counsel.

Dockets.Justia.com

3. The chart attached hereto as Exhibit A is a detailed summary indicating the amount of time spent by the employees of our firm who were involved in this litigation, and the lodestar calculation based upon my firm's current billing rates for such personnel in the final year of employment by our firm. As reflected therein, my firm expended a total of 101.90 hours on this litigation from the inception of the case to the present, with a total lodestar amount of $29,209.50.[1] Time expended in preparing this application for fees and reimbursement of expenses has not been included in this request.

4. The hourly rates for the employees in our firm included in Exhibit "A" are the same as the regular current rates charged for their services in non-contingent matters and/or which have been accepted and approved in other class action matters in this District.

5. The chart attached hereto as Exhibit "B" is our firm's itemization of un-reimbursed expenses incurred in the total amount of $683.86 in connection with the prosecution of this litigation.

6. The expenses incurred in this Action are reflected on the books and records of our firm. These books and records are prepared from expense vouchers, check records and other source materials and are an accurate record of the expenses incurred in connection with the prosecution of the litigation.

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[1] The schedule was prepared from contemporaneous, daily time records regularly prepared and maintained by our firm, which are available for inspection upon request of the Court.

7. With respect to the standing of counsel in this case, attached hereto as Exhibit "C" is a brief biography of my firm and attorneys in my firm who were principally involved in this litigation.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 27th day of September, 2007.

Michael David Myers

SWORN TO BEFORE ME
this 27th day of September, 2007.

Printed Name: Tianna J.H. Pak
Notary Public for the State of Washington
Residing At: Kent, Washington
My Commission Expires: 01/10/2013

TIANNA J H PAK
COMMISSION EXPIRES
NOTARY PUBLIC
01/13/2010
STATE OF WASHINGTON

**EXHIBIT "A"**

**IN RE "*A MILLION LITTLE PIECES*" LITIGATION 06-MD-1771**

**BILLING**

**FIRM NAME: Myers & Company, P.L.L.C.**

**REPORTING PERIOD: January 1, 2006 through September 25, 2007**

| ATTORNEY NAME | TOTAL HOURS | HOURLY RATE | TOTAL LODESTAR |
|---|---|---|---|
| Michael David Myers | 75.85 | $325.00 | $24,651.25 |
| Thomas B. Baisch (associate attorney) | 18.60 | $195.00 | $ 3,627.00 |
| Tianna J.H. Pak (paralegal) | 7.45 | $125.00 | $ 931.25 |
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| **TOTAL** | 101.90 | N/A | $29,209.50 |

**EXHIBIT "B"**

**IN RE "*A MILLION LITTLE PIECES*" LITIGATION 06-MD-1771**

**EXPENSES**

**FIRM NAME: Myers & Company, P.L.L.C.**

**REPORTING PERIOD: January 1, 2006 through September 25, 2007**

| TYPE OF EXPENSE | CUMULATIVE TOTAL |
|---|---|
| Computerized Legal Research (Westlaw, Lexis, Dialog, etc.) | $ |
| Court Cost & Filing Fees | $465.00 |
| Court Reporters & Transcripts | $ |
| Photocopying | $140.97 |
| Postage, Messenger & Express Mail, FedEx | $ 77.89 |
| Professional Services (Experts, Investigators, etc.) | $ |
| Telephone & Fax | $ |
| Travel, Hotels, Meals | $ |
| Miscellaneous | $ |
| **TOTAL** | $683.86 |

**EXHIBIT "C"**

Mike Myers was named a SuperLawyer in 2004, 2005 and 2006 by Washington Law & Politics magazine. Only five percent of the attorneys in the state of Washington receive this prestigious designation. Mr. Myers is also an AV-rated attorney. The AV rating means that an attorney has reached the height of professional excellence. Attorneys with AV peer ratings have practiced law for many years and are recognized for the highest levels of skill and integrity. Mr. Myers attained his undergraduate degree at Stanford University and attained his juris doctorate at the University of Puget Sound School of Law.

Thomas B. Baisch was named a "Rising Star" in 2006 by Washington Law & Politics magazine. As described by the Washington Super Lawyer website, "Rising Stars names the top young lawyers in Washington as chosen by Washington Law & Politics and through the independent research of Law & Politics. All Washington Rising Stars are 40 or younger or have been in practice for 10 years or less. Only 2.5 percent of Washington attorneys are named Rising Stars." Mr. Baisch attended law school and undergraduate at the University of Washington.

Tianna J.H. Pak has over nine years experience as a litigation paralegal. Ms. Pak obtained her paralegal degree at Kapiolani Community College/University of Hawai'i at Manoa. She has worked at elite firms in Honolulu, Hawaii, Tacoma, Washington and Seattle, Washington.